

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Browning, et al.

Serial No.: 09/159,509

Filed: September 23, 1998

For: METHOD AND APPARATUS  
FOR CREATING A WIREFRAME  
AND POLYGON VIRTUAL  
WORLD

Group Art Unit: 2784

Examiner: Unknown

Attorney Docket: 5181-11402

Client Docket: P3051C

I hereby certify that this correspondence is being deposited  
with the U.S. Postal Service as First Class Mail in an envelope  
addressed to: Assistant Commissioner for Patents, Washington,  
D.C. 20231, on the date indicated below:

Dan R. Christen

Name of Registered Representative

Feb 28, 2000

Date

Signature

### REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY BY INVENTOR(S)

As a below named Inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am an original, first, joint inventor of the subject matter that is described and claimed in letters patent number 5,559,995, granted on September 24, 1996, and for which invention I solicit a reissue patent on the invention entitled "METHOD AND APPARATUS FOR CREATING A WIREFRAME AND POLYGON VIRTUAL WORLD," the specification of which

☐ is attached hereto.

☒ was filed on September 23, 1998, as reissue application number 09/159,509 and is amended in the Preliminary Amendment submitted herewith.

☐ I hereby declare that there is no assignee for this application.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY  
OF ORIGINAL PATENT UNDER 37 C.F.R. § 1.175**

I believe the original patent to be

☒ partly

☐ wholly

inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

*(check all items that may apply)*

☒ a defective specification

☐ a defective drawing

☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

*NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1).*

Applicants note that a change or departure from the original specification or claims represents an "error" in the original patent under 35 U.S.C. 251. One such "error" in the original patent relates to the specification. Filed with this declaration is a Preliminary Amendment which corrects a number of "errors" in the specification. In particular, in column 2, line 31, the phrase [the SGI] should be changed to -the SGI workstation--. In column 3, line 5, the phrase [fiat tree] should be changed to -flat tree--.

Another "error" relates to the patentees claiming more or less than they had a right to claim in the patent. Filed with the reissue application were new claims 10-108, at least some of which have a different scope than the originally issued claims, and that cover inventions that were not completely covered by the original claims. The differences in scope between the new claims and the old claims represent "errors" in the original patent.

For example, old independent claims 1 and 8 represents "errors" because the patentees claimed less than they had a right to claim in the original patent. Old claims 1 and 8 include the following language: "for selecting a first edge of [the] first virtual object and for selecting a second edge of [the] second virtual object." New independent claims 10 and 46 do not contain this language.

Another error in old independent claims 1 and 8 is the language "joined at an intersection of the first and second edges." New independent claims 10 and 46 do not contain this language.

Yet another "error" is corrected by new claims 46-57, which are directed toward a memory medium. There are no memory medium claims recited in the original patent due to the insufficiency of the original claims.

Applicant(s) believe that the errors listed above, and all other errors which are being corrected, up to the time of the filing of this reissue declaration, arose without any deceptive intention on the part of the applicant(s). 37 C.F.R. § 1.175(a)(2).

*NOTE: For any error corrected not covered by this declaration applicant must submit, before allowance, a supplemental declaration stating that every such error arose without any deceptive intention on the part of the applicant. 37 C.F.R. § 1.175(b)(1).*

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

(37 C.F.R. 6 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

## ADDITIONAL PARTS OF DECLARATION

Check proper box(es) for any added pages forming part of this declaration:

☐ Petition by person authorized under 37 C.F.R. § 1.47 for inventor who refuses to sign or cannot be reached.

☐ Corroborating affidavits or declarations of others.

## POWER OF ATTORNEY

I hereby revoke any previous Powers of Attorney and appoint the following practitioner(s):

Kenneth Olsen	Reg. No. 26,493
Matthew C. Rainey	Reg. No. 32,291
Timothy J. Crean	Reg. No. 37,116
Philip J. McKay	Reg. No. 38,966
Robert S. Hauser	Reg. No. 37,847
Joseph T. FitzGerald	Reg. No. 33,881
Alexander E. Silverman	Reg. No. 37,940

each of said attorneys being employed by Sun Microsystems, and

Mark L. Berrier	Reg. No. 35,066
Cyrus F. Bharucha	Reg. No. 42,324
Dan R. Christen	Reg. No. 39,943
Timothy S. Corder	Reg. No. 38,414
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Eric A. Stephenson	Reg. No. 38,321
David A. Rose	Reg. No. 26,223

each of said attorneys or agents being members or associates of the firm of Conley, Rose & Tayon, P.C., as attorney or agent for so long as they remain with such company or firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.

Please direct all communications as follows:

Dan R. Christen  
Conley, Rose & Tayon, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Ph: (512) 703-1429

#### **STATEMENT OF POSSIBLE OWNERSHIP INTEREST AND CONSENT**

I believe that I may have an ownership interest in this reissue application and the underlying patent. Sun Microsystems has notified me that it believes it owns the entire right and interest in this reissue application and the underlying patent by way of assignment from VPL Newco, Inc. Regardless of how this issue is eventually resolved, I hereby give my consent for the filing of this reissue application.

## SIGNATURE(S)

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Dan D. Browning  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: San Francisco, CA Citizenship: U.S.A.

Post Office and Residence Address: 2823 Baker Street 204, San Francisco, CA 94123  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Ethan D. Joffe  
(First) (Initial) (Last)

Inventor's Signature: Ethan Joffe Date: 2/24/2000

City and State (or Foreign Country) of Residence: Venice, CA Citizenship: U.S.A.

Post Office and Residence Address: 39 Paloma Ave. #5, Venice, CA 90291  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Jaron Z. Lanier  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Sausalito, CA Citizenship: U.S.A.

Post Office and Residence Address: P.O. Box 2842, Sausalito, CA  
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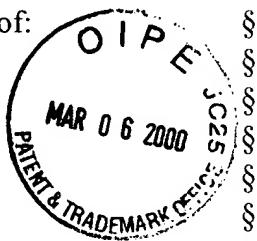
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Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: San Francisco, CA Citizenship: U.S.A.

Post Office and Residence Address: 2823 Baker Street 204, San Francisco, CA 94123  
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Inventor's Full Name: Ethan D. Joffe  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Venice, CA Citizenship: U.S.A.

Post Office and Residence Address: 39 Paloma Ave. #5, Venice CA 90291  
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Inventor's Full Name: Jaron Z. Lanier  
(First) (Initial) (Last)

Inventor's Signature: JZ Date: Dec 2 '99

City and State (or Foreign Country) of Residence: Sausalito, CA Citizenship: U.S.A.

Post Office and Residence Address: P.O. Box 2842, Sausalito, CA  
(Include number, street name, city, state and zip code)